

HellerEhrman
ATTORNEYS

275 Middlefield Road
Menlo Park, CA 94025-3506
Main: (650) 324-7000
Fax: (650) 324-0638

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Telephone:**Fax:** (571) 273-8300**From:** David C. Foster**Telephone:** (650) 324-7029**No. of Pages:** 2 (including cover)**Date:** July 18, 2005**Re:** U.S. Patent Application Serial No. 09/919,758

Filed: July 31, 2001

**Title: METHOD FOR GENERATING TRANSCRIPTIONALLY ACTIVE DNA
FRAGMENTS**

Inventors: Xiaowu Liang, et al.

Our Reference: 40019-0008

Dear Sir:

Attached are the following documents to be made of record for the above-referenced application:

1. This Fax Cover Sheet (1 page);
2. Transmittal Form (1 page);
3. Power of Attorney by Assignee (1 page);
4. Executed Power of Attorney by Assignee to Exclusion of Inventor Under 37 CFR 3.71 ...
(1 page);
5. Copy of previously filed Assignment (1 page).

No additional fees are believed due. The Commissioner is authorized to charge any additional fees which may be required to Deposit Account No. 08-1641 (Docket No. 40019-0008).

SV 2138444 v1
(40019.0008)

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Heller Ehrman White & McCauliffe LLP www.hewm.com

San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage New York Washington D.C. Montgomery Co., MD

PAGE 1/5 * RCVD AT 7/18/2005 9:21:53 PM [Eastern Daylight Time] * SVR:USPTO-EFAX * DNIS:2738300 * CSID:650 324 0638 * DURATION (mm-ss):02-08

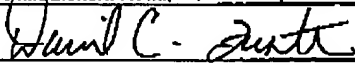
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PTO/SB/21 (8-99)

Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/919,758
		Filing Date	July 31, 2001
		First Named Inventor	Xiaowu Liang
		Group/Art Unit	1637
		Examiner Name	T.E. Strzelecka
Total Number of Pages in This Submission		Attorney Docket Number	40019-0008
ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Version With Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement with Form PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response To Missing Parts Under 37 Cfr 1.52 Or 1.53 <input type="checkbox"/> Copy Of Notice	<input checked="" type="checkbox"/> Power of Attorney and Correspondence Address Indication Form) <input checked="" type="checkbox"/> Statement Under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> STAMPED RETURN POSTCARD	Remarks AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual name	HELLER EHRMAN LLP David C. Foster, Reg. No. 44,685 275 Middlefield Road, Menlo Park, California 94025 Telephone: (650) 324-7000 Facsimile: (650) 324-0638		
Signature			
Date	July 18, 2005	Customer Number:	33123
CERTIFICATE OF EXPRESS MAILING			
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile to USPTO central facsimile number (571-273-8300 and addressed to: U.S. Patent and Trademark Office, Alexandria.			
Typed or printed name	Sylvia Rogers		
Signature		Date	

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SV 2128989 v1

PTO/SB/81 (11-04)

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**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	09/919,758
Filing Date	July 31, 2001
First Named Inventor	Xiaowu Liang
Title	Method for Generating ...
Art Unit	1837
Examiner Name	T. E. Strzelecka
Attorney Docket Number	40019-8864 40019-0208

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners associated with the Customer Number:

33123

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

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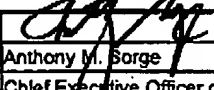
Telephone

Fax

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	5-5-05
Name	Anthony M. Borge	Telephone	858-457-1919
Title and Company	Chief Executive Officer of Gene Therapy Systems, Inc.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of one (1) forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/96 (09-04)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Xiaowu LiangApplication No./Patent No.: 09/919,758 Filed/Issue Date: July 31, 2001Entitled: METHOD FOR GENERATING TRANSCRIPTIONALLY ACTIVE DNA FRAGMENTS

GENE THERAPY SYSTEMS, INC., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
 2. ☐ an assignee of less than the entire right, title and interest.
 The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011082, Frame 0291, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.
 [NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Anthony SARGE
 Signature
Anthony SARGE
 Printed or Typed Name
CEO
 Title

5-5-05
 Date
858-457-1919
 Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DRAFT

July ____, 2005

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Attorney-Client Communication*

David C. Foster
david.foster@hellerehrman.com
Direct (650) 324-7029
Main (650) 324-7000
Fax (650) 324-0638

Anthony Sorge
Gene Therapy Systems, Inc.
10190 Telesis Court
San Diego, CA 92121

Re: U.S. Patent Application Serial No. 09/919,758
Filed: July 31, 2001
Title: Method for Generating Transcriptionally Active DNA
Fragments
Our Reference: 40019-0008

OK

Dear Mr. Sorge:

This is to inform you that on July __ 2005, we faxed filed a Power of Attorney and Correspondence Address Indication Form and Statement Under 37 CFR 3.73(b) with the United States Patent and Trademark Office in the above-referenced patent application. Enclosed are copies for your records.

We will continue to keep you advised as further developments occur. If you have any questions or wish additional information, please call me.

Very truly yours,

David C. Foster

DCF/sr

Enclosures: As noted.

SV 2138437 v1
(40019.0008)